

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

FIRST APPEAL NO.2452 OF 2017

The Executive Engineer,
L.M.I. Division Jalna,
District : Jalna.

.... APPELLANT
(Ori. Respondent No.2)

VERSUS

1. Sanjivanibai Subhashrao Salunke,
Age : Major, Occu: H.H. & Agril.
R/o.: Kendhali, Tq. Mantha,
District : Jalna Respondent No.1
(Ori. Claimant)
2. The State of Maharashtra,
Through the Collector, Jalna
3. The Special Land Acquisition Officer(Gaothan),
Jalna, Tq. & Dist. Jalna(Respondent Nos.2 to 3)
(Ori. Resp. No.1 & 3)

.....

Advocate for Appellant : Mr. R. C. Patil
Advocate for Respondent No.1 Mr. D. M. Kakade
AGP for Respondent Nos.2 & 3 : Mr. A. A. Jagatkar

.....

AND

FIRST APPEAL NO.2464 OF 2017

The Executive Engineer,
L.M.I. Division Jalna,
District : Jalna.

.... APPELLANT
(Ori. Respondent No.2)

VERSUS

1. Murlidhar Dattatraya Ghare,
Age : Major, Occu: Agril.
2. Sandipan Dattatraya Ghare,
Age : Major, Occu.: Agril.,

R/o.: Kendhali, Tq. Mantha,
District : Jalna

.... Respondent No.1 & 2
(Ori. Claimants)

3. The State of Maharashtra,
Through the Collector, Jalna

4. The Special Land Acquisition Officer(Gaothan),
Jalna, Tq. & Dist. Jalna(Respondent Nos.3 to 4)
(Ori. Resp. No.1 & 3)

.....

Advocate for Appellant : Mr. R. C. Patil
Advocate for Respondent Nos.1 & 2 Mr. D. M. Kakade
AGP for Respondent Nos.3 & 4 : Mr. A. A. Jagatkar

.....

AND

FIRST APPEAL NO.2216 OF 2017

The Executive Engineer,
L.M.I. Division Jalna,
District : Jalna.

.... APPELLANT
(Ori. Respondent No.2)

VERSUS

1. Vivek Vinayakrao Ghare,
Age : Major, Occu: Agril.
R/o.: Kendhali, Tq. Mantha,
District : Jalna

.... Respondent No.1
(Ori. Claimant)

2. The State of Maharashtra,
Through the Collector, Jalna

3. The Special Land Acquisition Officer(Gaothan),
Jalna, Tq. & Dist. Jalna(Respondent Nos.2 to 3)
(Ori. Resp. No.1 & 3)

.....

Advocate for Appellant : Mr. R. C. Patil
Advocate for Respondent No.1 Mr. D. M. Kakade
AGP for Respondent Nos.2 & 3 : Mr. A. A. Jagatkar

.....

**AND
FIRST APPEAL NO.2451 OF 2017**

The Executive Engineer,
L.M.I. Division Jalna,
District : Jalna.

.... APPELLANT
(Ori. Respondent No.2)

VERSUS

1. Vivekrao Prabhakar Ghare,
Age : Major, Occu: Agril.
R/o.: Kendhali, Tq. Mantha,
District : Jalna Respondent No.1
(Ori. Claimant)
2. The State of Maharashtra,
Through the Collector, Jalna
3. The Special Land Acquisition Officer(Gaothan),
Jalna, Tq. & Dist. Jalna(Respondent Nos.2 to 3)
(Ori. Resp. No.1 & 3)

.....

Advocate for Appellant : Mr. R. C. Patil
Advocate for Respondent No.1 Mr. D. M. Kakade
AGP for Respondent Nos.2 & 3 : Mr. A. A. Jagatkar

.....

**AND
FIRST APPEAL NO.2095 OF 2019 WITH CA/10023/2015**

1. The Executive Engineer,
Minor Irrigation Division No.1,
Jalna.
2. State of Maharashtra,
Through Collector, Jalna
3. The Special Land Acquisition Officer
(Gaothan), Jalna APPELLANTS
(Ori. Respondents)

VERSUS

Yashwant Vywankatroa Ghare (died)

Through his L.R's :

1. Chhaya wd/o Yashwant Ghare,
Age : 48 years, Occu.: Agril,
2. Kalyan s/o Yashwant Ghare,
Age : 44 years, Occu.: Agril.,
3. Kishor s/o Yashwant Ghare,
Age : 42 years, Occu.: Agril.,
4. Umesh s/o Yashwant Ghare,
Age : 25 years, Occu.: Agril,
5. Madhavi Shrimantrao Chavan,
Age : 50 years, Occu.: Household,
6. Savita Haribhau Uddange,
Age : 48 years, Occu.: Household,
7. Manisha Rajesh Sarkate,
Age ; 46 years, Occu.: Household,
8. Kanchan Pradip Patil,
Age : 40 years, Occu.: Household,

All R/o.: Kendhali, Tq. Mantha,
District : Jalna.

.... RESPONDENTS
(Ori. Claimants)

.....

Advocate for Appellants : Mr. R. C. Patil
Advocate for Respondents : Mr. D. M. Kakade

.....

AND

FIRST APPEAL NO.2201 OF 2017

The Executive Engineer,
L.M.I. Division Jalna,
District : Jalna.

.... APPELLANT
(Ori. Respondent No.2)

VERSUS

1. Yogesh Udhavrao Ghare,
Age : Major, Occu: Agril.
2. Umesh Udhavrao Ghare,

Age : Major, Occu.: Student,
Both R/o.: Kendhali, Tq. Mantha,
District : Jalna Respondent Nos.1 to 2
(Ori. Claimants)

3. The State of Maharashtra,
Through the Collector, Jalna

4. The Special Land Acquisition Officer(Gaothan),
Jalna, Tq. & Dist. Jalna(Respondent Nos.3 to 4)
(Ori. Resp. No.1 & 3)

.....

Advocate for Appellant : Mr. R. C. Patil
Advocate for Respondent Nos.1 & 2 Mr. D. M. Kakade
AGP for Respondent Nos.3 & 4 : Mr. A. A. Jagatkar

.....

AND

FIRST APPEAL NO.2215 OF 2017

The Executive Engineer,
L.M.I. Division Jalna,
District : Jalna.

.... APPELLANT
(Ori. Respondent No.2)

VERSUS

1. Vishwasrao Rajaram Bagve,
Age : Major, Occu: Agril.

2. Prashantkumar Vishwasrao Bagve,
Age : Major, Occu.: Agril,

3. Preshkumar Vishwasrao Bagve,
Age : Major, Occu.: Agril.,

4. Sachinkumar Vishwasrao Bagve,
Age : Major, Occu.: Agril
All R/o.: Kendhali, Tq. Mantha,
District : Jalna

.... Respondent Nos.1 to 4
(Ori. Claimants)

5. The State of Maharashtra,
Through the Collector, Jalna

6. The Special Land Acquisition Officer

(Gaothan), Jalna, Tq. & Dist. Jalna

....(Respondent Nos.5 to 6)
(Ori. Resp. No.1 & 3)

.....

Advocate for Appellant : Mr. R. C. Patil
Advocate for Respondent Nos.1 to 4 Mr. D. M. Kakade
AGP for Respondent Nos.5 & 6 : Mr. A. A. Jagatkar

....

AND

FIRST APPEAL NO.2466 OF 2017

1. The Executive Engineer,
Minor Irrigation Division No.1,
Jalna.
2. State of Maharashtra,
Through Collector, Jalna
3. The Special Land Acquisition Officer,
(Gaothan), Jalna

.... APPELLANTS
(Ori. Respondents)

VERSUS

Dnyanesh s/o Vinayakrao Ghare,
Age : Major, Occu: Agril.
R/o.: Kendhali, Tq. Mantha,
District : Jalna

.... RESPONDENT
(Ori. Claimant)

.....

Advocate for Appellants : Mr. R. C. Patil
Advocate for Respondent No.1 Mr. D. M. Kakade

.....

AND

FIRST APPEAL NO.3501 OF 2015

1. The Executive Engineer,
Minor Irrigation Division No.1,
Jalna.
2. State of Maharashtra,
Through Collector, Jalna

3. The Special Land Acquisition Officer,
(Gaothan), Jalna APPELLANTS
(Ori. Respondents)

VERSUS

Arvind Ankushrao Ghare,
Age : Major, Occu: Agril.
R/o.: Kendhali, Tq. Mantha,
District : Jalna RESPONDENT
(Ori. Claimant)

.....

Advocate for Appellants : Mr. R. C. Patil
Advocate for Respondent : Mr. D. M. Kakade

.....

AND

FIRST APPEAL NO.2450 OF 2017

The Executive Engineer,
L.M.I. Division Jalna,
District : Jalna. APPELLANT
(Ori. Respondent No.2)

VERSUS

1. Sunetrabai Vishwasrao Bagve,
Age : Major, Occu: H.H. & Agril.
R/o.: Kendhali, Tq. Mantha,
District : Jalna Respondent No.1
(Ori. Claimant)
2. The State of Maharashtra,
Through the Collector, Jalna
3. The Special Land Acquisition Officer
(Gaothan), Jalna, Tq. & Dist. Jalna (Respondent No.2 to 3)
(Ori. Resp. No.1 & 3)

.....

Advocate for Appellant : Mr. R. C. Patil
Advocate for Respondent No.1 Mr. D. M. Kakade
AGP for Respondent Nos.2 & 3 : Mr. A. A. Jagatkar

...

**AND
FIRST APPEAL NO.2479 OF 2017**

1. The Executive Engineer,
Minor Irrigation Division No.1,
Jalna.
 2. State of Maharashtra,
Through Collector, Jalna
 3. The Special Land Acquisition Officer,
(Gaothan), Jalna
- APPELLANTS
(Ori. Respondents)

VERSUS

Dilip Ankushrao Ghare (died)
Through his legal heirs :

- a) Arvind Ankushrao Ghare,
Age : 58 years, Occu.: Agril.,
- b) Balasaheb Ankushrao Ghare,
Age : 50 years, Occu.: Agril.,

Both R/o.: Kendhali, Tq. Mantha,
District : Jalna

.... RESPONDENTS
(Ori. Claimants)

.....

Advocate for Appellants : Mr. R. C. Patil
Advocate for Respondents : Mr. D. M. Kakade

....

**AND
FIRST APPEAL NO.2465 OF 2017**

1. The Executive Engineer,
Minor Irrigation Division No.1,
Jalna.
 2. State of Maharashtra,
Through Collector, Jalna
 3. The Special Land Acquisition Officer,
(Gaothan), Jalna
- APPELLANTS
(Ori. Respondents)

VERSUS

Sundarrao s/o Gopvindrao Ghare (died)
Through his legal heirs :

- 1(a) Laxmibai w/o Sunderrao Ghare (died)
- 1(b) Bhaskar s/o Sunderrao Ghare,
Age : 66 years, Occ.: Agriculture,
- 1(c) Pradeep s/o Sunderrao Ghare,
Age : 48 years, Occu.: Agriculture,
- 1(d) Sumanbai w/o Sureshrao Bodke,
Age : 60 years, Occu.: Househld,
- 1(e) Sushila w/o Vikas Salunke,
Age : 38 years, Occu.: Household,
R/o.: Green Field School,
Plot No. 18, Smarthnagar,
Aurangabad.

.... RESPONDENTS
(Ori. Claimants)

.....

Advocate for Appellants : Mr. R. C. Patil
Advocate for Respondents : Mr. D. M. Kakade

....

CORAM : SANDIPKUMAR C. MORE, J.
DATE : 20/09/2022

ORDER :

1. All these appeals are preferred by the appellant, who is original respondent No.2 in the respective LAR as mentioned in the chart reproduced herein below being dissatisfied by the impugned judgment and awards passed by 3rd Civil Judge (Junior Division), Jalna on the ground that exorbitant compensation has been granted. The chart is as under :

Sr. No.	Name of Parties	First Appeal Number	LAR No.	Classification of land and rate given by Reference Court
1.	Executive Engineer	2452/2017	584/2010	Dry land

	vs. Sanjivani Subhasrao Salunke			(3750/- per R)
2.	Executive Engineer vs. MUrlidhar Dattatray Ghare	2464/2017	863/2010	Seasonal Irrigated (5625/- per R)
3.	Executive Engineer vs. Vivek Vinayak Ghare	2216/2017	802/2010	Seasonal Irrigated (5625/- per R)
4.	Executive Engineer vs. Vivek Prabhakar Ghare	2451/2017	1120/2010	Seasonal Irrigated (5625/- per R)
5.	Executive Engineer vs. Yashvant Prabhakar Ghare	2095/2019	1032/2010	Dry land (3750/- per R)
6.	Executive Engineer vs. Sanjivani Subhasrao Salunke	2201/2017	556/2010	Dry land (3750/- per R)
7.	Executive Engineer vs. Vishwas Rajaram Bagve	2215/2017	112/2010	Seasonal Irrigated (5625/- per R)
8.	Executive Engineer vs. Dnyanesh Vinayakrao Ghare	2466/2017	558/2010	Seasonal Irrigated (5625/- per R)
9.	Executive Engineer vs. Arvind Ankushrao Ghare	3501/2015	229/2010	Dry land (3750/- per R)
10.	Executive Engineer vs. Sunetrabai Vishwasrao Bagve	2450/2017	557/2010	Seasonal Irrigated (5625/- per R)
11.	Executive Engineer vs. Dilip Ankushrao Ghare	2479/2017	1033/2010	Dry land (3750/- per R)
12.	Executive Engineer vs. Sunderrao Govindrao Ghare	2465/2017	331/2010	Seasonal Irrigated (5625/- per R)

2. The lands involved in all these appeals of the respective respondents are situated at village Kendali, Tq. Mantha, District Jalna have been acquired by the appellant - original respondent No.2 for construction of Barbada Irrigation Project.

3. However, during pendency of these appeals, both the rival contesting counsel appearing for the respective parties submit that these appeals can be disposed of in view of the decision given by this Court (Coram: R. G. Avachat, J.) in First Appeal No. 251 of 2016, whereby compensation of Rs.5,625/- per Are for semi-irrigated / seasonal irrigated land and Rs.3,750/- per Are in respect of dry land. Classification of the lands involved in the present appeals whether dry or seasonal irrigated is mentioned in the aforesaid chart, which has been provided by the learned counsel for respondents-claimants, which is already marked "X" for identification under the order of this Court dated 16/09/2022. The learned counsel for the respondents - claimants had also made it clear that he would not dispute the nature of land as decided by the learned Reference Court.

4. In view of the same and by considering the submissions of both the rival learned counsel and the fact that this court has confirmed the rate of Rs.5,625/- per Are for seasonal irrigated land and rate of Rs.3,750/- per Are for dry land as mentioned in the aforesaid chart. Since the aforesaid judgment and order has attained finality, the following order is passed.

ORDER

- I) The appeals are hereby dismissed.
- II) The respondents - original claimants are permitted to withdraw the amount deposited by the appellant with accrued interest.
- III) No order as to costs.
- IV) In view of dismissal of First Appeal No. 2095 of 2019, pending Civil Application No.10023 of 2015 is accordingly disposed of.

(SANDIPKUMAR C. MORE, J.)

VS Maind/-